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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,900	09/04/2003	Jih-Jong Shiue	JCLA11392	7662
23900	7590	05/04/2006	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			ZEWARI, SAYED T	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/655,900	SHIUE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sayed T. Zewari	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-5 and 14-17 is/are allowed.
- 6) Claim(s) 6-13 and 18-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## DETAILED ACTION

### *Response to Remarks*

2. This action is in response to applicant's amendment filed on March 22, 2006. Claims 6 -13, and 18-21 are still pending in the present application. **This Action is made FINAL.**
3. Applicant's arguments filed on 3/22/2006 have been fully considered but they are not persuasive.
4. Applicant argues against a rejection that was previously applied in the earlier office action rejection. The arguments are not convincing and the examiner can maintain the previous rejection. The applicant argues, "***that the shiftable pivot structure that is slideably mounted in the base and pivotably connecting with the cover recited in claim 6 is not disclosed in the U.S. Patent No. 6,934,568***". Charlier clearly discloses a shiftable pivot structure slideably mounted in the base and pivotably connecting with the cover at a pivotal connection point (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).
5. The applicant argues, "***Applicants consider that the hinge pivotally connected between the flip housing 12 and the base housing 14 is an element with similar function as the shiftable pivot structure, but the hinge is a kind of***

***fixed pivot structure and would be damage easily. In addition, Applicants assert that Charlier et al. fail to teach or suggest the use of shiftable pivot structure".***

Charlier discloses a shiftable pivot structure slideably mounted in the base and pivotably connecting with the cover at a pivotal connection point. This pivotal structure as can be seen from figure 3, is slideably moveable along with the base into the extendable housing 14 in the same manner as the applicant's shiftable pivot structure 230 slideably moves into the pivotal accommodation groove 224 (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**). Charlier further discloses the motivation and use for this pivotal structure is to provide user interface protection when not in use. It would be obvious that the idea of interface protection can be extended to include protection of the pivotal structure (**See Charlier col.2 lines 18-19**).

6. The applicant argues, "***there is no teaching or suggestion provided by Charlier et al. or Hayashi to substitute a fixed pivot structure with a shiftable pivot structure. The prior-art references do not contain any suggestion (expressed or implied) that they be combined, or that they be combined in the manner suggested***". The reference Hayashi was used for rejection of the original claims 6 and 18 in reference to keypad on the base and a display on the cover. Charlier, however, further discloses the motivation and use for this pivotal structure is to provide user interface protection when not in use. It would be obvious that the idea of interface protection can be extended to include protection of the pivotal structure (**See Charlier col.2 lines 18-19**).

7. The applicant argues with respect to claims 7-9, "***that the feature "pivotal accommodation groove" recited therein is not disclosed by Charlier et al. and is non-obvious***". Charlier inherently discloses an electronic device wherein the base 16 slides into the extendable housing 14. So the housing 14 inherently has to have grooves so that the base 16 slides on it (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).

8. With respect to claims 9-11, the applicant argues that Charlier fails to disclose that "***the pivotal connection point between the shiftable pivot structure and the cover is movable between a first position in which the pivotal connection point is located inside the pivotal accommodation groove and a second position in which the pivotal connection point is located outside the pivotal accommodation groove***". Charlier discloses an electronic device wherein the pivotal connection point **42 (figure 3)** between the shiftable pivot structure (**42, 22, 16**) and the cover **14** is movable between a first position in which the pivotal connection point is located inside the pivotal accommodation groove and a second position in which the pivotal connection point is located outside the pivotal accommodation groove (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**). Further the applicant argues, "***that the hinge is not covered by the flip housing 12 anytime. Therefore, Applicant asserts that the hinge shown in the above drawing can "NOT" make the shiftable pivot structure recited in claims 9-11 obvious***". Charlier discloses that the hinge 42, is covered by the extendable housing 14 (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

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9. With respect to claims 18-21, the applicant argues that Charlier or Hayashi fail to teach or suggest that “**a shiftable pivot structure slideably mounted in the base between first and second positions and pivotably connecting with the cover at a pivotal connecting point, wherein when the shiftable pivot structure is at the first position, the pivotal connecting point is located in the base and when the shiftable pivotal structure is at the second position, the pivotal connecting point is located outside the base**”. Charlier disclose the limitation mentioned in the above quotation (See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15). The reference Hayashi was used for rejection of the original claims 6 and 18 in reference to keypad on the base and a display on the cover. The applicant further argues, “**either Charlier et al. or Hayashi also fail to teach or suggest that moving the shiftable pivot structure from the first position to the second position when the cover is closed to the base, such that the shiftable pivot structure is moved outside the base**”. Charlier inherently teaches that moving the shiftable pivot structure from the first position to the second position when the cover is closed to the base, such that the shiftable pivot structure is moved outside the base (See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15).

10. The applicant argues, “**there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention**”. Applicant further argues, “**there is no suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art**

***to select the references and combine them in the way that would produce the claimed invention".*** The reference Hayashi was used for rejection of the original claims 6 and 18 in reference to keypad on the base and a display on the cover. Charlier provide sufficient basis for rejection of the claims (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).

11. The applicant argues, "***the test of whether it would have been obvious to select specific teaching and combine them as did the applicant must still be met by identification of some suggestion, teaching, or motivation in the prior art, arising from what the prior art would have taught a person of ordinary skill in the field of the invention.***" Charlier disclose all the limitations of the pending claims as they stand.

#### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 6-13 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Charlier et al. (US 6,934,568)

14. With respect to claim 6, Charlier discloses a handheld electronic device comprised of a base and a cover. Furthermore, Charlier discloses a shiftable pivot structure slideably mounted in the base and pivotably connecting with the cover at a pivotal connection point (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).

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15. With respect to claim 18, Charlier discloses a method of using a handheld wireless communication device which has a base and a cover and the cover having a display thereon, a shiftable pivot structure slideably mounted in the base between first and second positions and pivotably connecting with the cover at a pivotal connecting point, wherein when the shiftable pivot structure is at the first position, the pivotal connecting point is located in the base and when the shiftable pivot structure is at the second position, the pivotal connecting point is located outside the base, the method comprising: (a) moving the shiftable pivot structure from the first position to the second position when then cover is closed to the base; and (b) pivoting the cover about the pivotal connecting point in a direction that the cover is away from the base to thereby open the cover to a position that the handheld wireless communication device can be operated (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).

16. With respect to claim 7, Charlier discloses a handheld electronic device wherein the base defines a pivotal accommodation groove receiving the shiftable pivot structure therein (**See Charlier figure 1- 4, col. 2 lines 45-67, col.2 lines 1-15**).

17. With respect to claim 8, Charlier discloses a handheld electronic device wherein the pivotal accommodation groove extends through an end of the base to define an opening therein (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

18. With respect to claim 9, Charlier discloses a handheld electronic device wherein the pivotal connection point between the shiftable pivot structure and the cover is movable between a first position in which the pivotal connection point is located inside the pivotal accommodation groove and a second position in which the pivotal

connection point is located outside the pivotal accommodation groove (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

19. With respect to claim 10, Charlier discloses a handheld electronic device wherein the pivotal connection point is moved from the first position to the second position groove through the opening (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

20. With respect to claim 11, Charlier discloses a handheld electronic device wherein when the pivotal connection point is located at the second position, the cover is pivotal relative to the base (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

21. With respect to claim 12, Charlier discloses a handheld electronic device wherein the cover has a first pivot sleeve and the shiftable pivot structure has a second pivot sleeve, a shaft extending in the first and second pivot sleeves to pivotably connect the cover and the shiftable pivot structure together (**See Charlier figure 4**).

22. With respect to claim 13, Charlier disclose a handheld electronic device wherein the shiftable pivot structure has a U-shaped configuration (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

23. With respect to claim 19, Charlier discloses a method comprising of pivoting the cover about the pivotal connecting point in a direction that the cover is toward the base to thereby close the cover; and moving the shiftable pivot structure from the second position to the first position (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

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24. With respect to claim 20, Charlier discloses a method wherein the cover comprises a first pivot sleeve and the shiftable pivot structure comprises a second pivot sleeve, a shaft extending in the first and second pivot sleeves to pivotably connect the cover and the shiftable pivot structure together (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

25. With respect to claim 21, Charlier discloses a method wherein the shiftable pivot structure has a U-shaped configuration (**See Charlier figure 1- 5, col. 2 lines 45-67, col.2 lines 1-15**).

***Allowable Subject Matter***

26. Claims 1-5 and 14-17 are allowed.

***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
29. Shin Patent No. 6,973,186 discloses a slide type mobile phone using slide module.
30. SanGiovanni Patent No. 6,850,784 discloses a modular two body design for integration of mobile computing device features with a wireless communication device.
31. Lim Patent No. 6,628,974 discloses a folder operating apparatus for cellular phone.
32. Kim et al. Patent No. 6,980,840 discloses a drawer type mobile phone.
33. Kaneko Patent Publication No. 2003/0,162,560 discloses a folding cellular phone and slide cellular phone.
34. Okuda et al Patent No. 6,819,947 discloses a foldable portable telephone.
  
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.
36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

April 17, 2006

NICK CORSARO  
PRIMARY EXAMINER